

THIRTIETH DAY

(Tuesday, February 28, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

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| Mr. Speaker | Gordon, Mrs. |
| Allen | Hale |
| Allison | Hamilton |
| Alsup | Hankamer |
| Anderson | Hardeman |
| Bailey | Hardin |
| Baker | Harp |
| of Fort Bend | Harper |
| Baker of Grayson | Harrell of Bastrop |
| Bell | Harrell of Lamar |
| Blankenship | Harris |
| Bond | Hartzog |
| Boyd | Heflin |
| Boyer | Holland |
| Bradbury | Howard |
| Bradford | Howington |
| Bray | Hull |
| Bridgers | Hunt |
| Broadfoot | Isaacks |
| Brown of Cherokee | Johnson of Ellis |
| Brown | Johnson of Tarrant |
| of Nacogdoches | Keith |
| Bundy | Kennedy |
| Burkett | Kern |
| Burney | Kerr |
| Cauthorn | Kersey |
| Celaya | Kinard |
| Chambers | King |
| Clark | Langdon |
| Cleveland | Lehman |
| Cockrell | Leonard |
| Coleman | Leyendecker |
| Colquitt | Little |
| Colson, Mrs. | Lock |
| Cornett | Loggins |
| Corry | London |
| Crossley | Mays |
| Daniel | McAlister |
| Davis of Jasper | McDaniel |
| Dean | McDonald |
| Derden | McFarland |
| Dickison | McMurry |
| Dickson | McNamara |
| Donaghey | Mohrmann |
| Dowell | Monkhouse |
| Dwyer | Montgomery |
| Faulkner | Morris |
| Felty | Newell |
| Ferguson | Nicholson |
| Fielden | Oliver |
| Fuchs | Olsen |
| Galbreath | Pace |
| Gilmer | Petsch |
| Goodman | Pevhouse |

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| Piner | Spencer |
| Pope | Stinson |
| Ragsdale | Stoll |
| Reader of Bexar | Talbert |
| Reader of Erath | Tarwater |
| Reaves | Taylor |
| Reed | Tennant |
| Rhodes | Thornberry |
| Riviere | Thornton |
| Roach | Turner |
| Roberts | Vint |
| Robinson | Voigt |
| Russell | Waggoner |
| Schuenemann | Weldon |
| Segrist | Wells |
| Shell | Westbrook |
| Skiles | White |
| Smith of Frio | Wilson |
| Smith of Hopkins | Wood |
| Smith | Worley |
| of Matagorda | Wright |

Absent—Excused

| | |
|-----------------|---------|
| Davis of Upshur | Winfree |
| Vale | |

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"The fields are open unto us, our Heavenly Father, for plowing and sowing, and harvesting. Our work enters into every part and every class of our great State. Endue us with wisdom and courage, and promote in us a spirit of cooperation in every good work, that these days shall be rich in tasks well done. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Davis of Upshur for today, on motion of Mr. Chambers.

Mr. Schuenemann temporarily for today, on motion of Mr. Shell.

HOUSE BILLS ON FIRST READING

Mr. Wood asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 803.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Wood and Mr. Tennant:

H. B. No. 803, A bill to be entitled "An Act to repeal Article 2189, Chap-

ter 8, Title 42, Revised Statutes of the State of Texas, and to provide in its place that it shall be discretionary with the court to submit a case on special issues, on a general charge, or on both; to provide a method of doing so; to provide the procedure where inconsistent answers are made in the verdict; to provide that it shall be the duty of the court upon request of any party to advise the jury of the effect of their answers where a case is submitted in whole or in part on special issues, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Judiciary.

Mr. Voigt asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 804.

There was no objection offered.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Voigt:

H. B. No. 804, A bill to be entitled "An Act making it unlawful for any person to hunt, trap, kill or attempt to kill by any means whatsoever, any wild turkey, Chachalaca or wild Mexican pheasant in the Counties of Comal and Guadalupe for a period of four (4) years; providing a penalty; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mrs. Colson:

H. B. No. 805, A bill to be entitled "An Act repealing House Bill No. 138, Chapter 63, page 1990, Special Laws of the Second Called Session of the Forty-fifth Legislature, 1937, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

ADDITIONAL SIGNER OF HOUSE BILLS

Mr. Rhodes was authorized to sign House Bills Nos. 415 and 678, as co-author of same.

HOUSE BILL NO. 547 RE-REFERRED

Mr. Talbert moved that House Bill No. 547 be withdrawn from the Committee on Appropriations and referred to the Committee on Claims and Accounts.

The motion prevailed.

RELATIVE TO HOUSE BILL NO. 495

On motion of Mr. Westbrook, by unanimous consent of the House, the caption of House Bill No. 495 was ordered amended to conform to all changes and with the body of the bill.

RELATIVE TO HOUSE BILL NO. 444

On motion of Mr. Piner, by unanimous consent of the House, the caption of House Bill No. 444 was ordered amended to conform to all changes and with the body of the bill.

NAMING JIMMIE AND JACKIE WHITE MASCOTS OF THE HOUSE

Mr. Cornett offered the following resolution:

H. S. R. No. 142, Naming Jimmie White and Jackie White Mascots of the House.

Whereas, We have with us today two proper persons for the office of Mascot of the House of Representatives for the Forty-sixth Legislature of the State of Texas; now therefore be it

Resolved, That Jimmie and Jackie White, nephews of one of our distinguished Members, Hon. Joseph White, Jr., be, and they are hereby officially named by this House as Mascots of the House of Representatives for the Forty-sixth Legislature of the State of Texas; and be it further

Resolved, That said Mascots have their pictures made and placed with the Members of the House in the official group of this body.

The resolution was read second time, and was adopted.

TO EXPRESS INTENT OF THE
HOUSE OF REPRESENTATIVES
IN REGARD TO CERTAIN
LEGISLATION

Mr. Westbrook offered the following resolution:

H. S. R. No. 144, To express intent of the House in regard to social security program.

Whereas, The House of Representatives has been in session since January 10th; and

Whereas, Governor O'Daniel long before January 10th told the people of Texas that first order of business that he would submit as an emergency matter to the Legislature would be that of liberalizing old age pensions with provisions to provide adequate funds to finance the program; and

Whereas, The people of Texas unquestionably at the polls in 1938 expressed their urgent desire to see that the aged over 65, the blind, the dependent children, and the retired teachers were properly cared for in line with constitutional mandate without further unnecessary delay; and

Whereas, The people of Texas have chosen us and have elected us to act in helping to put this four-point social security program into full effect as quickly as possible; and

Whereas, We, being official representatives of the people of Texas, are now in session and have the authority and power to write and to enact into law adequate provisions and to raise the necessary revenue to put into full effect the above-mentioned Constitutional amendments that were so overwhelmingly passed by the will of the majority; and

Whereas, It is the desire of the Members of the House of Representatives, representing these six million people in Texas, to hold in sacred treasure the faith and confidence of the home folks and to justify that faith and confidence by preparing and passing such legislation at this Session that will carry into effect and full force the will of the people relative to the four-point social security program; and

Whereas, It is a recognized fact that it is both questionable and unwise to continue to postpone action on any important legislation since there are so many measures to be taken up and considered during the last half of the 120-day Session; and

Whereas, There are widespread opinions now being expressed about the actions of the Legislature; many are already saying that the Session will close without raising ample revenue to adequately provide for old age pensions, aid to the blind, aid to the dependent children, and funds for teacher retirement, and some press reporters write that the revenue-raising measures each day are bogging into greater uncertainty; now therefore, be it

Resolved by the House of Representatives, That we go on record giving the people of Texas definite assurance that the House of Representatives will not adjourn until we, the people's Representatives, do work out and pass legislation adequate to put into effect and full force the above-mentioned four-point Constitutional amendments voted on and passed by a great majority of the voters of Texas in 1935; and, be it further

Resolved, That the people of Texas be correctly informed through the press, and otherwise, of the adoption and passage of this resolution of declaration and that the names of all Members be given as to how each voted on this resolution; and be it further

Resolved, That we invoke the help and guidance of Almighty God and the friendly cooperation of the people of Texas in our honest efforts to satisfactorily and successfully carry out the intent of this resolution.

WESTBROOK,
ALLISON.

The resolution was read second time.

Mr. Mays moved that the resolution be referred to the Committee on Constitutional Amendments.

The motion prevailed.

RELATIVE TO THE REGULA-
TIONS OF SHOOTING DOVES
IN CERTAIN COUNTIES

Mr. Bell offered the following resolution:

H. S. R. No. 146, Relative to the regulations of shooting of doves in certain counties.

Whereas, It is highly desirable and important that the State laws regulating the seasons during which certain migratory birds may be killed should conform to and be in harmony with

the Federal regulations covering such birds; and

Whereas, In pursuance of this thought it is deemed expedient that certain information be procured from the United States Biological Survey, by and through its duly authorized agent, regulating such matters; and

Whereas, Such information could readily be secured by and through the Executive Secretary of the Game, Fish and Oyster Commission of Texas; now therefore be it

Resolved by the House of Representatives, That the Executive Secretary of the Game, Fish and Oyster Commission be requested to ascertain whether or not the United States Biological Survey, by and through its duly authorized agent, would consider a change in the regulations of the seasons for shooting doves in certain South Texas counties, provided the Legislature passes a concurrent dove and quail season in such counties; and it is so resolved.

BELL,
HARTZOG.

The resolution was read second time, and was adopted.

(Mr. Boyer in the Chair.)

PROVIDING FOR FUMIGATION OF THE HALL OF THE HOUSE OF REPRESENTATIVES

Mr. Keith offered the following resolution:

H. S. R. No. 149, Providing for fumigation of the Hall of the House of Representatives.

Whereas, The flu epidemic which has been general over the country has invaded Austin and the House of Representatives; and

Whereas, Many of the Members have been and are now sick with colds and influenza, and to the end that this epidemic may be deterred or eliminated; therefore be it

Resolved, That the Sergeant-at-Arms be instructed to have the House Hall and adjacent rooms thoroughly fumigated Thursday, March 2, from 12:30 p. m., until 6:00 p. m.; therefore, be it further

Resolved, That all employees be excused from duty at that time.

The resolution was read second time, and was adopted.

TO PROVIDE FOR CERTAIN INVESTIGATION

Mr. Hull offered the following resolution:

H. S. R. No. 151, To provide for certain investigation.

Whereas, There is pending in the House of Representatives House Bill No. 691, seeking to transfer the powers, duties, and functions of the State Board of Barber Examiners and the State Board of Hairdressers and Cosmetologists to the State Department of Health; and

Whereas, A bill similar, in some respects, to this is pending in the Senate; and

Whereas, These measures are designed to make the regulation of barbers, hairdressers, and cosmetologists in Texas more efficient and economical, and to better serve the interests of the State and of the people as a whole; and

Whereas, Evidence of highly improper activities in the Board of Hairdressers and Cosmetologists in opposition to these measures has been revealed; and

Whereas, Such activities are calculated to circumvent the ends of fair and just legislation for the best interest of the State and should be brought officially to the attention of the House of Representatives; now, therefore, be it

Resolved by the House of Representatives, That a committee of five Members of the House be appointed by the Speaker of the House of Representatives, the Members of said committee to be delegated with the following powers and authority:

First—To summon any or every known official and employee in Texas of the Board of Hairdressers and Cosmetologists to appear before said committee.

Second—To summon all books, records, papers, files, correspondence, list of employees, either part or full time employees, who have been in the employ of said Board of Hairdressers and Cosmetologists during the preceding 15 months.

Third—To investigate, under oath or affirmation, the type, nature, character, scope and extent to which the Board of Hairdressers and Cosmetologists has been and is, involved in propaganda (either printed or otherwise) in sponsoring or opposing Leg-

islation now under consideration, or to be considered, by the Texas Legislature.

Fourth—To investigate the source of employment and amount of compensation paid to and in behalf of the Board of Hairdressers and Cosmetologists for its activities in Texas.

Fifth—To formulate its own rules of procedure and evidence; fix hours of meeting and adjournment; issue process for witnesses to any place in Texas and to compel their attendance; to issue attachments for non-compliance therewith; invoke the service of the Sergeant-at-Arms of the House or of any sheriff or other eligible peace officer in Texas in serving its process or attachments.

Sixth—To administer oaths and affirmations, and fix bonds of attached witnesses; to employ the services (without additional compensation) of one or more stenographers of the House of Representatives for the purpose of keeping a stenographic record and to transcribe the proceedings of such committee; providing, the services of such stenographer or stenographers do not seriously retard work of Members of the House of Representatives during sessions thereof.

Seventh—To require the assistance of the Attorney General's Department for legal assistance and advice, and it shall be the duty of the Attorney General to render opinions and give counsel and advice to said committee upon request of the Chairman and/or Members thereof; a majority of whom shall constitute a quorum, and one of whom shall be elected Chairman, by a majority of the Members thereof, and in whose absence as presiding officer, the Chairman shall select a Member to preside; special meetings of the committee may be called by three or more Members of said committee.

Eighth—To expend not in excess of \$500.00 from the Contingent Fund of the House of Representatives in the payment of witness fees; and shall hold all of its sessions in Austin, Texas.

The Speaker of the House of Representatives shall appoint said committee within 24 hours after adoption of this resolution, and immediately thereafter said committee shall meet, organize as herein provided, and proceed to its duties in order to complete its work within a period of not more than 30 days, and file its report be-

fore the close of the Regular Session of this, the Forty-sixth Legislature.

The resolution was read second time.

Mr. Alsup offered the following amendment to the resolution:

Amend House Simple Resolution No. 151 by striking out the words and figures "\$500.00" wherever they appear therein.

The amendment was adopted.

The resolution, as amended, was then adopted.

(Speaker in the Chair.)

INVITING HON. ELBERT E.
WEAVER TO ADDRESS
THE HOUSE

Mr. Reader of Bexar offered the following resolution:

H. S. R. No. 153, Inviting Hon. Elbert E. Weaver to address the House.

Whereas, The Hon. Elbert E. Weaver, a Member of the House of Representatives of the State of Oklahoma, is in the City of Austin today, February 28, 1939; and

Whereas, The Hon. Elbert E. Weaver has been active in legislation pending before the Oklahoma Legislature, which is of interest to our State; now, therefore, be it

Resolved, That he be granted the privileges of the floor of the House during his stay in Austin; and be it further

Resolved, That the Hon. Elbert E. Weaver be invited to address the House of Representatives on a subject of his own choosing at a time selected by the Speaker.

READER of Bexar,
SMITH of Matagorda,
COLEMAN.

The resolution was read second time, and was adopted.

(Mr. Leonard in the Chair.)

NAMING MISS JEAN MORSE AS
DUCHESS OF THE HOUSE OF
REPRESENTATIVES AT
"BLUE BONNET
FESTIVAL"

Mr. McDonald offered the following resolution:

H. S. R. No. 154, Naming Miss Jean Morse official representative of the House.

Whereas, On April 14 the Navasota and Grimes County Junior Chamber

of Commerce will sponsor Navasota's first Blue Bonnet Festival, glorifying our State flower; and

Whereas, Miss Molly O'Daniel, beautiful daughter of Governor and Mrs. O'Daniel, has graciously accepted an invitation to reign as Queen of the Blue Bonnets; and

Whereas, The House of Representatives has been requested to name a Duchess for this celebration; now, therefore, be it

Resolved, That the House of Representatives name Miss Jean Morse, the charming daughter of Hon. R. Emmett Morse, Speaker of the House of Representatives, as official representative of the House in Miss O'Daniel's Court of Honor.

McDONALD,
COLSON, MRS.,
LEONARD.

The resolution was read second time.

Signed—Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Ce'aya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Voigt, Waggoner, Weldon, Wells, Westbrook, White,

Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Hartzog, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

(Speaker in the Chair.)

MESSAGE FROM THE SENATE

Austin, Texas, February 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 21, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 1, Section 2, Section 3, Section 5, and Section 7, respectively, of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 5, Section 6, Section 8, Section 9, Section 14, and Section 16 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session; imposing a tax on employers of six (6) or more persons; providing for benefits; fixing benefit eligibility conditions and certain disqualifications for benefits; providing a merit rating for determining the amount of contributions by employers; fixing the duration of coverage; etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 17 ON SECOND READING

The Speaker laid before the House, as a special order, on its second reading and passage to engrossment,

H. B. No. 17, A bill to be entitled "An Act providing a title for the Act; providing the definition of certain words, terms and phrases; providing certain exemptions; providing any one act prohibited herein shall be a violation hereof; providing for the administration of the Act; providing certain procedure for securing real estate dealers' and real estate

salesmen's licenses and for certain information to be supplied by applicant and requiring the recommendation of the applicant by three (3) real estate owners; providing a partnership, association or corporation licensed under the Act can designate one of its members or officers to be licensed as a real estate dealer without additional charge and imposing certain restrictions; providing any member of partnership or officer of association or corporation not designated required to be licensed before acting as a real estate dealer and imposing certain restrictions; providing for the licensing of non-resident real estate dealers and salesmen and making certain requirements discretionary if non-resident is licensed under the laws of another State; making provision for requisition of information of applicant and vesting Real Estate Commission with power to make rules and regulations connected with application for a license; etc., and declaring an emergency."

The bill was read second time.

Mr. Mays moved to postpone further consideration of House Bill No. 17 until 11:00 o'clock a. m., next Tuesday.

Mr. Boyer moved to table the motion to postpone.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—69

| | |
|------------------|--------------------|
| Allison | Galbreath |
| Baker of Grayson | Gordon, Mrs. |
| Bell | Harp |
| Bond | Harper |
| Boyer | Harris |
| Bradbury | Hartzog |
| Bradford | Holland |
| Bridgers | Hull |
| Broadfoot | Hunt |
| Bundy | Isaacks |
| Burney | Johnson of Ellis |
| Cauthorn | Johnson of Tarrant |
| Celaya | Kerr |
| Corry | Leonard |
| Crossley | Leyendecker |
| Dickison | Lock |
| Donaghey | London |
| Dwyer | McAlister |
| Faulkner | McDaniel |
| Felty | McDonald |
| Ferguson | McFarland |
| Fuchs | McNamara |

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| Monkhouse | Segrist |
| Montgomery | Smith |
| Morris | of Matagorda |
| Nicholson | Stinson |
| Oliver | Stoll |
| Piner | Taylor |
| Reader of Bexar | Thornton |
| Reader of Erath | Vint |
| Reed | Waggoner |
| Riviere | Wells |
| Roberts | Wilson |
| Robinson | Wood |
| Russell | Wright |

Nays—51

| | |
|--------------------|------------------|
| Allen | Kern |
| Bailey | Kersey |
| Baker | King |
| of Fort Bend | Langdon |
| Boyd | Lehman |
| Bray | Mays |
| Brown of Cherokee | McMurry |
| Brown | Mohrmann |
| of Nacogdoches | Newell |
| Burkett | Pace |
| Chambers | Pevehouse |
| Clark | Pope |
| Cleveland | Reaves |
| Cockrell | Rhodes |
| Colson, Mrs. | Roach |
| Cornett | Skiles |
| Daniel | Smith of Frio |
| Dickson | Smith of Hopkins |
| Dowell | Spencer |
| Gilmer | Talbert |
| Hamilton | Tennant |
| Hardeman | Thornberry |
| Hardin | Weldon |
| Harrell of Bastrop | Westbrook |
| Howard | White |
| Howington | Worley |
| Kennedy | |

Absent

| | |
|------------------|----------|
| Alsup | Heflin |
| Anderson | Keith |
| Blankenship | Kinard |
| Coleman | Little |
| Colquitt | Loggins |
| Davis of Jasper | Olsen |
| Dean | Petsch |
| Derden | Ragsdale |
| Fielden | Shell |
| Goodman | Tarwater |
| Hale | Turner |
| Hankamer | Voigt |
| Harrell of Lamar | |

Absent—Excused

| | |
|-----------------|---------|
| Davis of Upshur | Vale |
| Schuenemann | Winfree |

Mr. Hardeman moved that House Bill No. 17 be recommitted to the Committee on Judiciary.

Mr. Boyer moved to table the motion to recommit.

The motion to table prevailed.

Mr. Hardeman offered the following amendment to the bill:

Amend House Bill No. 17, by striking out all of Section 5, on pages 5 and 6 thereof, and substituting therefor, the following:

"(a) The administration of the provisions of this Act shall be vested in the Securities Division of the office of the Secretary of State.

"(b) The Secretary of State is hereby empowered to employ an assistant to the Administrator of the Securities Division aforesaid, the salary of such assistant shall not exceed the sum of Three Hundred (\$300.00) Dollars per month.

"(c) The Administrator of the Securities Division is hereby empowered to examine witnesses and administer oaths, and it shall be his duty to investigate persons doing business in real estate in this State to ascertain whether they are violating any of the provisions of this Act, and to keep such records and minutes as shall be necessary to an orderly dispatch of business."

Mr. Boyer moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—50

| | |
|--------------------|-----------------|
| Allison | Little |
| Anderson | Lock |
| Baker of Grayson | London |
| Bell | McAlister |
| Boyer | McDaniel |
| Bradford | McDonald |
| Bridgers | McFarland |
| Celaya | McNamara |
| Coleman | Monkhouse |
| Corry | Nicholson |
| Dean | Piner |
| Dickison | Reader of Bexar |
| Dickson | Reader of Erath |
| Donaghey | Reed |
| Dwyer | Roberts |
| Felty | Robinson |
| Ferguson | Segrist |
| Gordon, Mrs. | Smith |
| Harp | of Matagorda |
| Johnson of Ellis | Stoll |
| Johnson of Tarrant | Tarwater |
| Kerr | Taylor |
| Kinard | Thornton |

Waggoner
Wells
Wilson

Wood
Wright

Nays—77

| | |
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| Allen | Howington |
| Alsup | Hunt |
| Bailey | Isaacks |
| Baker | Kennedy |
| of Fort Bend | Kern |
| Bond | Kersey |
| Boyd | King |
| Bradbury | Langdon |
| Bray | Lehman |
| Broadfoot | Leyendecker |
| Brown of Cherokee | Mays |
| Brown | McMurry |
| of Nacogdoches | Mohrmann |
| Bundy | Montgomery |
| Burkett | Morris |
| Burney | Newell |
| Cauthorn | Olsen |
| Chambers | Pace |
| Clark | Pevehouse |
| Cleveland | Pope |
| Cockrell | Ragsdale |
| Cornett | Reaves |
| Crossley | Rhodes |
| Daniel | Riviere |
| Davis of Jasper | Roach |
| Dowell | Russell |
| Faulkner | Skiles |
| Fuchs | Smith of Frio |
| Galbreath | Smith of Hopkins |
| Gilmer | Spencer |
| Goodman | Talbert |
| Hale | Tennant |
| Hamilton | Thornberry |
| Hardeman | Turner |
| Hardin | Vint |
| Harrell of Bastrop | Weldon |
| Harrell of Lamar | Westbrook |
| Heflin | White |
| Holland | Worley |
| Howard | |

Present—Not Voting

Colson, Mrs.

Absent

| | |
|-------------|---------|
| Blankenship | Keith |
| Colquitt | Leonard |
| Derden | Loggins |
| Fielden | Oliver |
| Hankamer | Petsch |
| Harper | Shell |
| Harris | Stinson |
| Hartzog | Voigt |
| Hull | |

Absent—Excused

| | |
|-----------------|---------|
| Davis of Upshur | Vale |
| Schuenemann | Winfree |

Mr. Kern offered the following amendment to the amendment by Mr. Hardeman:

Amend amendment by Hardeman, by striking out the figures "\$300.00" and inserting the figures "\$200.00".

Mr. Boyer moved to table the amendment by Mr. Kern.

The motion to table was lost.

Question then recurring on the amendment by Mr. Kern to the amendment, it was adopted.

Question then recurring on the amendment by Mr. Hardeman, as amended, it was adopted.

Mr. Hardeman moved to reconsider the vote by which the amendment, as amended, was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Hardeman offered the following amendment to the bill:

Amend House Bill No. 17, by striking out the words "Real Estate Commission" wheresoever they may occur and substituting in lieu thereof the following: "Administrator of the Securities Division of the office of the Secretary of State".

The amendment was adopted.

Mr. Hardeman offered the following amendment to the bill:

Amend House Bill No. 17, by striking out the word "Commission" wheresoever the same appears and substituting therefor, the following words: "Administrator of the Securities Division of the office of the Secretary of State".

The amendment was adopted.

Mr. Mays offered the following amendment to the bill:

Amend House Bill No. 17, Section 16, Section a, line 25, by changing the figures "\$10.00" to "\$20.00".

Mr. Brown of Cherokee offered the following substitute amendment for the amendment by Mr. Mays:

Amend House Bill No. 17, page 19, Section 16, Subsection (a), line 25, by striking out the figures "\$10.00" and substitute therefor the figures "\$5.00".

BROWN of Cherokee,
HARDEMAN.

Mr. Boyer moved to table the substitute amendment by Mr. Brown of Cherokee.

The motion to table prevailed.

Question then recurring on the amendment by Mr. Mays, it was lost.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 17, by adding a new Section to provide:

"Section 21A. This Act shall not apply to the sale of any property when such sale is made by the owner or one of the owners, or the attorney for said owner or owners."

The amendment was adopted.

Mr. Kersey offered the following amendment to the bill:

Amend House Bill No. 17, by adding a new Section, which will be Section 24, which will read as follows:

"This Act shall not apply in counties of less than fifty thousand (50,000) population, according to last census."

Mr. Alsup raised a point of order, on further consideration of the amendment, at this time, on the ground that the amendment violates certain constitutional provisions, in that it seeks to enact class legislation.

The Speaker overruled the point of order.

On motion of Mr. Boyer, the amendment by Mr. Kersey was tabled.

Mr. Cornett offered the following amendment to the bill:

Amend House Bill No. 17, by adding to the end of Section 5, the following:

"No additional appropriations for the administration of this Act shall ever be made. All the fees above Five Hundred (\$500.00) Dollars shall revert to the General Revenue Fund. This limitation shall not apply to the Secretary of the Board otherwise herein provided for."

Mr. Allison moved the previous question, on the pending amendment, and the passage of House Bill No. 17 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Boyer moved to table the amendment by Mr. Cornett.

The motion to table prevailed.

Mr. Holland offered the following amendment to the bill:

Amend House Bill No. 17, Section 15, by striking out Section 15, and

inserting in lieu thereof, the following:

"Section 15a. Any real estate dealer, real estate salesman, owner or subdivider aggrieved by any decision of the Secretary of State may file within thirty (30) days thereafter in the District Court of the County in which he resides, or in the District Court in the county where his principal place of business is situated, a petition against the Secretary of State officially as defendant, alleging therein in brief detail the action and decision complained of and for an order directing the Secretary of State to license the applicant or grant an owner or subdivider a permit, as the case may be. Upon service of the summons upon the Secretary of State, returnable within ten (10) days from its date, the Secretary of State shall on or before the return day file an answer. The case shall be tried in the District Court de novo, upon its merits.

"Section 15b. The District Court may, upon application of either party and upon due notice given, advance the case on the docket. From the decision of the District Court, an appeal may be taken to the Court of Civil Appeals by either party, as in other cases, and no bond shall be required by the Secretary of State. A judgment in favor of the plaintiff shall not bar after one year a new application by the plaintiff for a license, nor shall a judgment in favor of the plaintiff prevent the Secretary of State from thereafter revoking or refusing to license such person for any proper cause which may thereafter accrue or be discovered. The Court shall have full power to dispose of all costs."

HOLLAND,
THORNTON.

Mr. Russell moved the previous question, on the pending amendment, and the passage of House Bill No. 17 to engrossment, and the main question was ordered.

Question recurring on the amendment by Mr. Holland, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Question then recurring on the engrossment of House Bill No. 17, yeas and nays were demanded.

House Bill No. 17 was passed to engrossment by the following vote:

Yeas—84

| | |
|--------------------|--------------------|
| Allison | Isaacks |
| Baker of Grayson | Johnson of Ellis |
| Bell | Johnson of Tarrant |
| Blankenship | Kerr |
| Boyd | Kinard |
| Boyer | King |
| Bradbury | Little |
| Bradford | London |
| Bridgers | McAlister |
| Broadfoot | McDaniel |
| Bundy | McDonald |
| Burney | McFarland |
| Cauthorn | McNamara |
| Celaya | Monkhouse |
| Chambers | Montgomery |
| Coleman | Morris |
| Colquitt | Nicholson |
| Corry | Oliver |
| Crossley | Olsen |
| Dean | Petsch |
| Derden | Piner |
| Dickson | Reader of Bexar |
| Dickson | Reader of Erath |
| Donaghey | Reed |
| Dwyer | Riviere |
| Faulkner | Roach |
| Felty | Roberts |
| Ferguson | Robinson |
| Gilmer | Russell |
| Gordon, Mrs. | Segrist |
| Hale | Smith |
| Hankamer | of Matagorda |
| Hardeman | Stinson |
| Harp | Taylor |
| Harper | Thornberry |
| Harrell of Bastrop | Thornton |
| Harris | Waggoner |
| Hartzog | Wells |
| Heflin | White |
| Holland | Wilson |
| Howington | Wood |
| Hull | Wright |
| Hunt | |

Nays—53

| | |
|-------------------|------------------|
| Allen | Cornett |
| Alsup | Daniel |
| Bailey | Davis of Jasper |
| Baker | Dowell |
| of Fort Bend | Fuchs |
| Bond | Galbreath |
| Bray | Goodman |
| Brown of Cherokee | Hamilton |
| Brown | Hardin |
| of Nacogdoches | Harrell of Lamar |
| Burkett | Howard |
| Clark | Kennedy |
| Cleveland | Kern |
| Cockrell | Kersey |
| Colson, Mrs. | Langdon |

| | |
|-----------|------------------|
| Lehman | Smith of Frio |
| Lock | Smith of Hopkins |
| Mays | Spencer |
| McMurry | Stoll |
| Mohrmann | Talbert |
| Newell | Tennant |
| Pace | Turner |
| Pevehouse | Vint |
| Pope | Voigt |
| Ragsdale | Weldon |
| Reaves | Westbrook |
| Rhodes | Worley |
| Skiles | |

Absent

| | |
|----------|-------------|
| Anderson | Leyendecker |
| Fielden | Loggins |
| Keith | Shell |
| Leonard | Tarwater |

Absent—Excused

| | |
|-----------------|---------|
| Davis of Upshur | Vale |
| Schuenemann | Winfree |

Mr. Boyer moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO PLACE HOUSE BILL NO. 17 ON THIRD READING

Mr. Boyer moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 17 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—95

| | |
|------------------|--------------------|
| Allison | Dean |
| Alsup | Derden |
| Anderson | Dickson |
| Baker of Grayson | Dickson |
| Bell | Donaghey |
| Blankenship | Dowell |
| Boyd | Dwyer |
| Boyer | Faulkner |
| Bradbury | Felty |
| Bradford | Ferguson |
| Bray | Gilmer |
| Bridgers | Gordon, Mrs. |
| Broadfoot | Hale |
| Bundy | Hankamer |
| Burney | Hardeman |
| Cauthorn | Harp |
| Celaya | Harper |
| Coleman | Harrell of Bastrop |
| Colquitt | Harrell of Lamar |
| Corry | Harris |

| | |
|--------------------|-----------------|
| Hartzog | Ragsdale |
| Heflin | Reader of Bexar |
| Holland | Reader of Erath |
| Howington | Reed |
| Hull | Riviere |
| Isaacks | Roach |
| Johnson of Ellis | Roberts |
| Johnson of Tarrant | Robinson |
| Kerr | Russell |
| Kinard | Segrist |
| King | Smith |
| Lehman | of Matagorda |
| Little | Spencer |
| London | Stinson |
| Mays | Stoll |
| McAlister | Talbert |
| McDaniel | Tarwater |
| McDonald | Taylor |
| McFarland | Thornberry |
| McNamara | Thornton |
| Monkhouse | Turner |
| Montgomery | Voigt |
| Morris | Waggoner |
| Nicholson | Wells |
| Oliver | White |
| Olsen | Wilson |
| Petsch | Wood |
| Piner | Wright |

Nays—40

| | |
|-------------------|------------------|
| Allen | Howard |
| Bailey | Kennedy |
| Baker | Kern |
| of Fort Bend | Kersey |
| Bond | Langdon |
| Brown of Cherokee | Lock |
| Brown | McMurry |
| of Nacogdoches | Mohrmann |
| Burkett | Newell |
| Chambers | Pace |
| Clark | Pevehouse |
| Cleveland | Pope |
| Cockrell | Reaves |
| Colson, Mrs. | Rhodes |
| Cornett | Skiles |
| Crossley | Smith of Frio |
| Daniel | Smith of Hopkins |
| Galbreath | Tennant |
| Goodman | Vint |
| Hamilton | Weldon |
| Hardin | Worley |

Absent

| | |
|-----------------|-------------|
| Davis of Jasper | Leonard |
| Fielden | Leyendecker |
| Fuchs | Loggins |
| Hunt | Shell |
| Keith | Westbrook |

Absent—Excused

| | |
|-----------------|---------|
| Davis of Upshur | Vale |
| Schuenemann | Winfree |

MESSAGE FROM THE SENATE

Austin, Texas, February 28, 1939.
Hon. R. Emmett Morse, Speaker of
the House of Representatives.

Sir: I am directed by the Senate
to inform the House that the Senate
has passed the following:

H. B. No. 553, A bill to be entitled
"An Act validating all interest bearing
time warrants heretofore author-
ized by cities having a population of
two hundred and eighty-five thousand
(285,000) or more, according to the
latest United States Census, issued or
authorized to be issued in payment or
part payment for the construction of
administration buildings, hangars and
hangar doors for its airport and/or
to improve, enlarge, extend or repair
its airport, etc., and declaring an
emergency."

H. B. No. 631, A bill to be entitled
"An Act regulating the taking, catch-
ing and possessing of sand bass fish
in the fresh waters of Denton County,
Texas; providing that there shall be
no closed season for the taking and
catching of such fish; prescribing the
bag limit and length limit thereof;
regulating the kind of bait which may
be used for the catching of such fish
during certain months; prescribing
penalties for any violation hereof; and
defining the intent of this law, and
declaring an emergency." (With
amendment.)

Respectfully,

BOB BARKER,

Secretary of the Senate.

ADDRESS BY HONORABLE
ELBERT E. WEAVER

In accordance with the provisions
of House Simple Resolution No. 153,
by Mr. Reader of Bexar, inviting
Hon. Elbert E. Weaver to address
the House of Representatives, the
Speaker presented Mr. Reader of
Bexar who in turn introduced Hon.
Elbert E. Weaver to the House.

Mr. Weaver then addressed the
House.

SPECIAL ORDER SET

Mr. Hartzog moved that House Bill
No. 407 be set for special order at
10:30 o'clock a. m., next Tuesday.

The motion prevailed.

BILLS SIGNED BY THE SPEAKER

The Speaker, signed, in the presence
of the House, after giving due notice
thereof and their captions had been
read severally the following enrolled
bills:

H. B. No. 553, "An Act validating
all interest bearing time warrants
heretofore authorized by cities having
a population of two hundred and
eighty-five thousand (285,000) or
more, according to the latest United
States Census, issued or authorized
to be issued in payment or part pay-
ment for the construction of admin-
istration buildings, hangars and han-
gar doors for its airport and/or to
improve, enlarge, extend or repair its
airport; providing that such warrants
shall not be invalid on account of ir-
regularities in the notice to bidders or
because the notice to bidders did not
contain notice that it was the inten-
tion of the governing body to pay for
such improvements and the contracts
therefor by the issuance of time war-
rants; providing that the contracts
for such improvements and payment
therefor by the issuance of interest
bearing time warrants shall not be in-
valid on account of the notice to bid-
ders not containing a clause to the
effect that it was the intention to pay
for such improvements and the con-
tracts therefor by the issuance of time
warrants; providing this Act shall
apply to such warrants and the con-
tracts on which they are based
whether such warrants shall have
been completely issued or whether
they have been authorized by ordi-
nance and not as yet completely is-
sued and authorizing their comple-
tion, and declaring an emergency."

H. B. No. 556, "An Act to amend
Article 7064, Revised Civil Statutes of
Texas, 1925, as amended by Section
1 of Chapter 258, House Bill No. 441,
of the Acts of the Forty-fifth Legis-
lature of Texas, 1937, and declaring
an emergency."

H. B. No. 557, "An Act to amend
Article 7064a, Revised Civil Statutes
of Texas, 1925, as amended by Sec-
tion 1-b, Chapter 258, House Bill No.
441, of the Acts of the Forty-fifth
Legislature of Texas, 1937, and de-
claring an emergency."

S. B. No. 134, "An Act validating
and confirming the creation of the
Junior College District of Washing-
ton County; provided that the college
located in said District shall be called

Blinn College; providing for the election of the Board of Trustees of said District and prescribing their powers and duties; repealing all laws and parts of laws in conflict, and declaring an emergency."

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 21, to the Committee on State Affairs.

ADJOURNMENT

Mr. Reader of Erath moved that the House recess until 2:30 o'clock p. m., today.

Mr. Felty moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

The motion of Mr. Felty prevailed and the House, accordingly, at 12:25 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

State Affairs: House Bill No. 603, House Concurrent Resolution No. 42, Senate Bills Nos. 21 and 188.

School Districts: House Bill No. 607, Senate Bill No. 161.

Municipal and Private Corporations: House Bill No. 701, Senate Bill No. 95.

Counties: House Bill No. 611.

Judiciary: House Bills Nos. 450, 656, 716, 718, 719, 720, 768, 798; Senate Bill No. 156.

The Committee on Agriculture filed an adverse report on House Simple Resolution No. 132.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 553, A bill to be entitled "An Act validating all interest bear-

ing time warrants heretofore authorized by cities having a population of two hundred and eighty-five thousand (285,000) or more, according to the latest United States Census, issued or authorized to be issued in payment or part payment for the construction of administration buildings, hangars and hangar doors for its airport and/or to improve, enlarge, extend or repair its airport; providing that such warrants shall not be invalid on account of irregularities in the notice to bidders or because the notice to bidders did not contain notice that it was the intention of the governing body to pay for such improvements and the contracts therefor by the issuance of time warrants; providing that the contracts for such improvements and payment therefor by the issuance of interest bearing time warrants shall not be invalid on account of the notice to bidders not containing a clause to the effect that it was the intention to pay for such improvements and the contracts therefor by the issuance of time warrants; providing this Act shall apply to such warrants and the contracts on which they are based whether such warrants shall have been completely issued or whether they have been authorized by ordinance and not as yet completely issued and authorizing their completion, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 97, A bill to be entitled "An Act to amend Article 2199 of the Revised Statutes, by adding thereto provision for reading from the Court Reporter's notes; repealing conflicting law, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 105, A bill to be entitled "An Act to preserve filed pleadings

by making just and convenient regulations to such end, repealing all conflicting laws, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 27, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 221, A bill to be entitled "An Act amending Acts of 1934, Third Called Session, Forty-third Legislature of Texas, page 118, Chapter 63; otherwise identified as Article 3886d, Revised Civil Statutes of 1925, by authorizing the District Attorney of the 9th Judicial District to appoint a special investigator in and for Montgomery County, Texas, providing salary, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 27, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 133, A bill to be entitled "An Act requiring any person hunting any quail outside of the county of his residence upon the private lands of another person in Panola County, to first obtain and have in his possession a written permit; providing that the provisions shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provision of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act and repealing all laws in conflict with any provision of this Act, in so far as they relate to Panola County."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 27, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 479, A bill to be entitled "An Act providing for the funding by the Commissioners' Court of Haskell County of any and all items of indebtedness outstanding on January 1, 1939, against the Road and Bridge Fund of said County, including scrip and time warrants by issuing coupon bonds of said County; providing that no warrants shall be issued until the bonds are paid in full and there is a cash balance at the time of issuance, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, February 27, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 152, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico, and Texas, entered into by commissioners representing the three States and the United States on March 18, 1938; authorizing the Governor of Texas to appoint a commissioner to administer the provisions of the Compact; providing for the salary and necessary expenses of the commissioner, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 28, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 553, "An Act validating all interest-bearing time warrants heretofore authorized by cities having a population of two hundred and eighty-five thousand (285,000) or more, according to the latest United States Census, issued or authorized to be issued in payment or part pay-

ment for the construction of administration buildings, hangars, and hangar doors for its airport and/or to improve, enlarge, extend, or repair its airport; providing that such warrants shall not be invalid on account of irregularities in the notice to bidders or because the notice to bidders did not contain notice that it was the intention of the governing body to pay for such improvements and the contracts therefor by the issuance of time warrants; providing that the contracts for such improvements and payment therefor by the issuance of interest-bearing time warrants shall not be invalid on account of the notice to bidders not containing a clause to the effect that it was the intention to pay for such improvements and the contracts therefor by the issuance of time warrants; providing this Act shall apply to such warrants and the contracts on which they are based whether such warrants shall have been completely issued or whether they have been authorized by ordinance and not as yet completely issued, and authorizing their completion, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, February 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 557, "An Act to amend Article 7064a, Revised Civil Statutes of Texas, 1925, as amended by Section 1-b, Chapter 258, House Bill No. 441,

of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, February 28, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. 556, "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 258, House Bill No. 441, of the Acts of the Forty-fifth Legislature of Texas, 1937, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

Austin, Texas, February 27, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 51, Changing the time of the address of the Honorable Nathan Straus.

Has carefully compared same and finds it correctly enrolled.

BAILEY, Acting Chairman.

SENT TO THE GOVERNOR

February 28, 1939

House Bill No. 556.

House Bill No. 557.

House Concurrent Resolution No. 51.

In Memory of Mrs. Bertha Black Gilmer

(Mr. Boyer in the Chair.)

Mr. King offered the following resolution:

H. S. R. No. 150, In memory of Mrs. Bertha Black Gilmer.

Whereas, On Saturday, February 25, 1939, the Supreme Architect of the Universe, in His infinite wisdom, called from this earth Mrs. Bertha Black Gilmer of Rocksprings, Texas, mother of our fellow Member, C. H. Gilmer; and

Whereas, The loss of this lovable personality, this mother and wife, will be deeply felt by all her loved ones; and

Whereas, Throughout her life she enjoyed her friends and family and was loved by all of those who knew her; and

Whereas, Throughout her noble career she was an outstanding leader and teacher of the gospel as profounded by the Divine Personality; and

Whereas, She so lived her life that she will receive the award for those who followed the teachings of the lowly son of Galilee—so to her there is no death; now, therefore, be it

Resolved, That the House of Representatives of the State of Texas extend its deepest sympathy at this hour of bereavement to her family; and, be it further

Resolved, That a copy of this resolution be spread upon the memorial pages of the House Journal today and that a copy of this resolution be sent to the immediate members of the family of the deceased under the seal of the House of Representatives and that when the House adjourns today it do so in honor and memory of Mrs. Bertha Black Gilmer.

KING,
BURKETT,
HOLLAND,
DONAGHEY,
LEYENDECKER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, Langdon, Lehman, Leonard, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuene-mann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Burkett, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of Honorab!e F. C. Weinert

(Mr. Boyer in the Chair.)

Mr. Dowell offered the following resolution:

H. S. R. No. 152, In memory of Honorab!e F. C. Weinert.

Whereas, On the nineteenth day of February, 1939, God Almighty, in His infinite wisdom, removed from earthly pursuits to celestial rewards, the Honorab!e Ferdinand C. Weinert, at his home in Seguin, Texas; and

Whereas, This beloved public servant of the State of Texas was a native of Texas and gave many years of faithful public service, which as an official were as follows: Justice of the Peace, Guadalupe County, 1876-1882; County Commissioner of Guadalupe County, 1882-1902; County Judge of Guadalupe County, 1904-1908; elected State Senator 1908; re-elected State Senator, 1910; appointed Secretary of State, 1911; Commissioner Market and Warehouses, 1912-1919; State Tax Commissioner, 1927-1929; Member of the House of Representatives, Texas Legislature, 1930-1934; and

Whereas, The Honorab!e Ferdinand C. Weinert was a life-long, faithful member of the Democratic party. He walked and talked as a young man with such distinguished Democrats as Governor Ireland, the McCullochs, Sowell, Dibrells and others who were founders of Democracy in Texas, in the perilous days of Reconstruction, after the Civil War; and

Whereas, He was the author and co-author of many laws when he was serving the Texas Legislature which are of incalculable worth to Texas; one of which was of humanitarian interest in the suspended sentence Act; and

Whereas, The Honorab!e Ferdinand C. Weinert was born in Comal County, Texas, July 14, 1853. At the early age of seventeen years he moved to Guadalupe County, where he reared a fine family of stalwart sons and daughters who are worthy descendants of this great Texan. His family life was above reproach and he was preceded to Heaven by his beloved wife by only a few months; and

Whereas, The funeral services, despite the inclement weather conditions, were largely attended by his neighbors and his friends from all over Texas; and

Whereas, We, the House of Representatives, express to Senator Rudolph A. Weinert, worthy successor to his father in the Legislature, and to the other members of this great family, our sincere sympathy in the loss of their distinguished father; now, therefore, be it

Resolved, That a copy of this resolution be sent to members of the immediate family of the late Ferdinand C. Weinert, and that when the House of Representatives of Texas adjourns today, it do so in honor and in memory of Ferdinand C. Weinert.

DOWELL,
MOHRMANN,
VOIGT,
PETSCH,
CLEVELAND,
READER of Bexar.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer,

Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Pevehouse, Piner, Pope, Ragsdale, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Worley, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.